**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CIVIL APPELLATE JURISDICTION**

**FIRST APPEAL NO. 580 OF 1994.**

The State of Maharashtra
through the Special Land
Acquisition Officer, Thane. ... Appellant.
Versus.
Shri Sadashiv Bala Patil. ... Respondent.

**WITH**

**FIRST APPEAL NO. 581 OF 1994**

The State of Maharashtra
through the Special Land
Acquisition Officer, Thane. ... Appellant.
Versus.
1. Smt.Gulab Tukaram Patil.
2. Kumar Ganesh Tukaram Patil.
3. Kumar Arun Tukaram Patil,
Nos.2 and 3 minors through
No.1 guardian. ... Respondents.

**AND**

**FIRST APPEAL NO. 582 OF 1994.**

The State of Maharashtra
through the Special Land
Acquisition Officer, Thane. ... Appellant.
Versus.
Shri Sadanand Bala Patil. ... Respondent.

Mrs.G.P.Mulekar, A.G.P. for Appellants in S.A.No.580/94 and S.A.582/94.

Shri B.H.Mehta, A.G.P. for Appellant in S.A.No.581/94.

Shri R.P.Lote for Respondents in S.A.No.580/94 and S.A.582/94.

Shri D.K.Ghaisas for Respondents in S.A.No.581/94.

**CORAM : ABHAY S.OKA, J.**

**DATED : 5th December, 2007.**

**ORAL JUDGMENT.:**

1. Heard the learned A.G.P.for the Appellant and the learned Advocates appearing for the Respondents. These three appeals arise out of a common judgment and award dated 8th April 1993 passed by the learned Joint District Judge, Thane in three land acquisition references under section 18 of the Land Acquisition Act, 1894 (hereinafter referred to as "the said Act"). The First Appeal No.580 of 1994 arises out of Land Acquisition Reference No.84 of 1987. First Appeal no.581 of 1987 arises out of the Land Acquisition Reference No.85 of 1987 and the First Appeal no.582 of 1994 arises out of the Land Acquisition Reference No.122 of 1987.

2. The lands which are the subject matter of these three Appeals are agricultural lands located at village Sanpada, Taluka and District Thane. The lands were notified for acquisition for the public purpose of setting up of a satellite city of Navi Mumbai. In case of the first two Appeals, the notification under section 4 of the said Act was issued on 4th February 1970 and in the third Appeal, the notification is dated 10th October 1968. In case of the first two Appeals, the market value fixed by the Reference Court is Rs.15 per sq.meter

and in the third case, the market value is fixed at Rs.18 per sq.meter on the ground that the notification is of February 1970. There is no dispute between the Advocates appearing for the parties that these Appeals will be governed by the decision of this Court rendered today in the group of First Appeals (First Appeal no.680 of 1991 to 694 of 1991).

3. For the reasons recorded in the said judgment, the First Appeal No.580 of 1994 and 581 of 1994 deserve to be dismissed. In so far as the First Appeal no.582 of 1994 is concerned, in the aforesaid decision, this Court has already held that there is no difference between the market value as on 10th October 1968 and as on 4th February 1970. Therefore, in this Appeal, the market value will have to be fixed at the rate of Rs.15 per sq.meter instead of Rs.18 per sq.meter fixed by the Reference Court.

4. Hence the following order:

i) First Appeal No.580 of 1992 is dismissed The Appellant will pay costs of the Appeal to the Respondent.

ii) First Appeal No.581 of 1992 is dismissed. The Appellant will pay costs of this

Appeal to the Respondents.

iii) First Appeal No.582 of 1994 is partly allowed and the impugned Judgment and Award is modified by directing that the market value of the acquired land will be at the rate of Rs.15 sq.meter. Rest of the judgment and award is not disturbed. There will be no order as to costs in the Appeal.

**Judge.**